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. . . . The 10th meeting of the CIA RETIREMENT BOARD
 convened at 2:05 p.m. on Thursday, 27 May 1965, in room 5E62 Hq., with the
 following present:

25X1A9a Emmett D. Echols, Chairman

Paul Borel, DDI

25X1A9a

Alan Warfield, DDS

25X1A9a

MR. ECHOLS: May we convene, gentlemen?

Are there any corrections or additions to our Minutes,
 which is Item 1 on our agenda. (No response.) You will note in paragraph 3,
 as was requested, we specifically rescinded our previous approval of a public
 relations ceremony. Okay, if the Minutes are acceptable to everybody, we
 accept them as submitted.

Item 2 on the agenda was supposed to be a review of a memo
 to the DCI requesting a delegation of authority to the Director of Personnel to
 arrange retirement dates, within a stipulated time period, but we just haven't gotten
 that ready yet. I'd like to ask a question here. 25X1A9a [REDACTED] was going to give
 us a legal opinion as to whether or not he thought this was legally possible, but we
 haven't heard anything on this score, either. I personally think that I shouldn't
 ask for this authority for a period in excess of six months. It would seem to me that
 anything beyond this period is really an extension of employment by the Director in
 cases of mandatory retirement, and so on, whereas up to six months could easily
 be an administrative delay, let us say, as opposed to an extension of an individual's
 service -- and I'd like to get some consensus as to whether this seems a reasonable
 [REDACTED] breaking point as between administrative action and extension of service.

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[REDACTED] I think that from the point of view of the CS,

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there was some concern about that, because the man was overseas, he might have hit age 60, and all that sort of thing. But is there any reason you can't extend that and instead of making it six months say up to or less than a year? I can see situations where we might have gotten an individual to go out and replace a man maybe before he had finished a tour of duty and then something might happen to the individual back here that would upset all of these administrative plans. So I think six months could be a little too short a period.

MR. ECHOLS: Of course in future years before you ever send a man 58 years of age out on a [REDACTED] tour of duty you will recognize that his retirement will be coming up in a few years, and if you want him out for three years or four years you would get an extension from the Director, on a timely and orderly basis, I presume.

25X1A9a

[REDACTED] It has been a long time since I have had any experience with that sort of thing -- but unless there is some compelling reason, can you hold it off until we see what Jim and Gerry's experiences have been with that? - whether six months might be a sufficient--

25X1A9a

[REDACTED] Of course, even with that ruling, it would still be a very little problem to get a one-year extension. I think the DDCI has been delegated all of the authority of the DCI. So I don't think there is any question that he could sign off on a year. But I still think the wording in there -- I'm sort of worried about after you leave (indicating Mr. Echols) -- I still think the wording in there should imply with the consent or at the request of the Career Service. ^{25X1A}

MR. ECHOLS: Oh, it will, indeed. To cite a Regulation that is comparable, in our present [REDACTED] our old [REDACTED] Regulation, you will find in the ^{25X1A} Regulation a provision where, after the Director says "This man shall go", you will find a provision in there that I have the authority to negotiate with the Deputy Director concerned a convenient date -- but nothing else.

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Okay, let's skip this and go on to Item 3, which is the Employee Bulletin. This is [REDACTED] revision of our original draft. He has done some things which I think probably strengthen the Bulletin a great deal.

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He has built a little more philosophy into this thing and has attempted to differentiate, on a more clear basis, between the normal employee of the Agency and those who are engaged in more demanding, more esoteric type of duties, and so on.

How many of you have had a chance to read this?

25X1A9a

[REDACTED] I had one real fast go around.

MR. ECHOLS: We all know that time is very important -- and I don't know how many bootleg copies of our regulations have been smuggled out to the field, but I suspect a lot of TDY travellers have not only taken the regulations out with them but have already taken copies of the original draft of the Bulletin, and if we wait too long this thing is going to be obsolete.

25X1A9a

[REDACTED] The way I feel about it, I'd like to give you a few written comments and then say whatever you and Jim agree to is all right with us. I don't think we will all sit around here and agree on the exact same words -- unless somebody has a basic difference--

MR. ECHOLS: Does anybody have any major objections to this thing?

25X1A9a

[REDACTED] There is some question in my mind -- sometimes I think he is mixing apples and oranges here. On page 2, paragraph 5, "Early Retirement Under the CIA System" -- he titles this "Early Retirement" but he's talking about terminated employment. I'm not sort of arguing so much with the context of what he is saying as the way he is tying it in here. In other words, the National Security Act of 1947 is something on its own which gives the [REDACTED] Director, regardless of early retirement, the ability to terminate anybody. I don't see how it fits under early retirement. I obviously know what Jim's motives have been all the way through, to try to explain to people: you are not losing anything, because we could always get rid of you, regardless of which system. So really what I'm saying, I question the placement of this under early retirement.

25X1A9a

[REDACTED] That is just an introductory paragraph. He does go on into it from paragraph 6 on, in which he gives the new picture against this little background.

25X1A9a

[REDACTED] I think it's another subject all of its own, is what I'm saying -- the explanation of the National Security Act of 1947, or whatever the heck you want to call it.

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25X1A9a [REDACTED] Isn't that introductory to getting around to talking about retirement at 50, whether it's voluntary or--

25X1A9a [REDACTED] Yes, but he is tying it to termination. The whole idea was to play that down without covering it up, as I saw it, and I think he has obtained this objective admirably in this draft.

25X1A9a [REDACTED] Let me ask you this: If the Director wanted to terminate somebody under the terms of the National Security Act of 1947, can he do it and then say: [REDACTED] You are involuntarily retired under our Act? I mean, aren't they two separate approaches? Isn't it either one or the other?

MR. ECHOLS: He could certainly separate a person under 102(c), and if the individual was entitled to benefits under the retirement system, he would get them.

25X1A9a [REDACTED] I don't know. Joe? He would get them. He would go the additional step of citing--

25X1A9a [REDACTED] But he doesn't need the National Security Act of 1947 to involuntarily retire him under our bill.

MR. ECHOLS: There is a difference between involuntary retirement and involuntary separation, Harry. The latter is far more (embrative) of reasons and causes and so on, than the former.

25X1A9a [REDACTED] Okay. I guess I'm not making my point, and maybe I'm not clear. I thought it was two separate concepts: if he wants to implement the National Security Act of 1947 to separate, that is one thing -- if he wants to [REDACTED] involuntarily retire somebody under our Act, that is another thing -- but that the Act itself is not part of our retirement system.

25X1A9a [REDACTED] You are correct. Did you find any legal problems in the way this is stated, Joe?

[REDACTED] Not in the short reading I had of it.

[REDACTED] Well, it does sort of imply this is an integral part of our retirement thing.

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[REDACTED] I'll be frank, in my quick reading of it, the way I read it I thought here is a rather clear exposition of the strongest management tool we have.

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[REDACTED] I'm just talking in the context of our retirement system--

But in my reading I wasn't putting the emphasis on the authority already existing in the 1947 Act, I was putting it on the fact that here is a termination concept clearly stated insofar as it could be applied by the Director either under the 1947 Act or(inaudible)

25X1A9a

[REDACTED] Could the Director separate a man now under the Security Act of 1947 and then have him get Civil Service retirement?

25X1A9a

MR. ECHOLS: Yes indeed.

[REDACTED] That would be a plain involuntary separation--

But every agency has the right of using the involuntary separation provision, but not for cause, under Civil Service.

25X1A9a

[REDACTED] Ours doesn't have to be for cause. Ours can be for cause or no cause, as long as the Director--

25X1A9a

[REDACTED] That is right, but he couldn't always be covered under Civil Service retirement.

25X1A9a

[REDACTED] If the individual was otherwise eligible for retirement -- normally if he had 25 years of service -- that is the prerequisite -- at any age -- then he would automatically--

25X1A9a

[REDACTED] When the Director gets ready to act on somebody, it would seem to me -- let's say our Act is now in being, and he wants to get rid of somebody -- he can do it as an involuntary retirement under the new Agency Act, he could do it under the involuntary provisions of the Civil Service Act, or he could implement section 102(c) of the Act of 1947. He wouldn't mix them up, would he?

MR. BOREL: Isn't it reasonable to assume he is going to use whichever system the man is a part of. He's not going to shove him back and forth between systems. It would be under the system in which he is a member. Then you go to the next step--

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[REDACTED] A point of clarification on that. There is no termination authority for the Director under the Civil Service Act. He only has the National Security Act for his termination authority. Then that ties in with Civil Service retirement. We are not under the Classification Act, so our people do not have the appeal rights which would be found in the Classification Act. Here we come into a new system in which the system itself contains both voluntary and involuntary separation authority. But I don't think we have any involuntary--

25X1A9a

[REDACTED] ... (inaudible)...

We can fire them and put them through the procedures by adoption -- but I don't know of any case where we have used it.

25X1A9a

[REDACTED] No, and we don't use it anymore. Under any other agency if an employee is involuntarily terminated and he has the age and length of service to get an immediate annuity under a discontinued service annuity, he gets it. The termination authority is not in the Civil Service retirement system, the provision for the annuity is.

MR. WARFIELD: Well, is it necessary that these things be this crystal clear in this Employee Bulletin? I thought the purpose of this was simply to explain the program, to relieve some fears, and to really sell it, rather than be a document to which you could refer for a detailed legal interpretation.

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MR. ECHOLS: You are absolutely correct here, but, as I understand it,

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it's [REDACTED] belief that employees of the DDP, particularly because of the [REDACTED] experience, are particularly fearful about this involuntary retirement, and he is trying to put it in the proper perspective -- so it's not a technical document so much as to put the thing in perspective.

Have you something to add, Mike?

25X1A9a

[REDACTED] I was just going to add to that that he was in effect saying he already has this right under another Act, so the fact that he has it under this Act does no harm to anybody but it's even better for people because he can do it. And if you are trying to alleviate that fear, which I know exists in some places in the CS, I don't see how he could have said it any better than he said it here. If you're going

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to bring in that feature, he has the right to terminate at any time, anyway.

25X1A9a

[REDACTED] I have no objection to the statement but I think it belongs somewhere else than as a statement of termination procedure. But I'm not going to belabor it anymore, if I'm alone on this.

MR. ECHOLS: If I read you right, Harry, it's the fact that we have a caption here - "Early Retirement Under the CIA System", and then the first few sentences after that talk about something which has nothing to do, per se, with the CIA Retirement system--

25X1A9a

[REDACTED] We are supposedly comparing two retirement systems.

MR. ECHOLS: I personally think the transition from this paragraph 5 to paragraph 6 could be smoothed over a little bit. Paragraph 5 is background. The Director has this authority to separate people, in his judgment, for any of many reasons. Such persons if separated are entitled to whatever benefits they may have acquired under the Civil Service retirement system. However, under our system should the separation be for early retirement - Bingo! - they get so much more.

25X1A9a

[REDACTED] That is right.

[REDACTED] You would have to move your caption down to [REDACTED] precede paragraph 6 rather than 5, and give 5 another caption.

25X1A9a

[REDACTED] This is still a retirement system.

[REDACTED] Paragraph 7 is a little continuation of this same attempt of Jim's -- and again, we all know what he is getting at, he is trying to remove this worry everybody has. He is talking about early retirement -- you can do it if you have the 15 years. Here again it seems to me he is switching concepts from early retirement to termination, all in an effort to hit this one point.

MR. ECHOLS: I personally found paragraph 7 very fuzzy. I didn't know what some of the words meant.

25X1A9a

[REDACTED] I had to edit it a little bit (to understand it).

[REDACTED] So I'm saying it needs a little more working on -- and I'll be glad to provide some comments and then just say you work it out.

25X1A9a

[REDACTED] I had another point on that same section, with respect

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to the first complete sentence on the top of page 3, particularly that part of it that says: "This study revealed that these problems tend, in most cases, to become acute beyond the age of 50, that the skills and experience acquired abroad are not readily utilized in any quantity in headquarters..." I doubt if this is borne out by our experience in the cases that we have considered so far. Certainly the cases we have been considering are people who are useable in either situation. So I wonder if that point is very well taken.

25X1A9a [REDACTED] Isn't it really a misstatement? It's not the skills and experience that are not readily utilized, it's the numbers of people.

25X1A9a [REDACTED] I have one last comment, and it's again in the same vein -- again Jim is beating away at this point. This is paragraph 8 -- "...permit the Agency to maintain an appropriate age balance in the career groups performing the service related to this Act." And then I think he is really reaching when he says, "The provision for involuntary retirement under the Act simply extends and makes explicit in context of this Act the special authority of the Director originally set forth in the 1947 National Security Act." Well, this I think is overstating the case a little. I mean, it's true--

25X1A9a [REDACTED] It's literally true. But that doesn't qualify your statement that it overstates the case.

MR. ECHOLS: I think in terms of the subsequent sentences, Harry, I couldn't quarrel with that. This is a factual statement, I think. Do you think this one [REDACTED] single statement tends to minimize or slur over what is happening here--

25X1A9a [REDACTED] I think it almost works the wrong way. It says what we really got out of this Act was the ability the Director formerly had under the 1947 Act to fire anybody for cause, is now specifically spelled out in this Act. Now this to me is sort of working against him. I think it tends to emphasize that we got this Act so we could extend this ability to get rid of anybody. Aren't we trying to sell the Act more as early retirement voluntarily--

MR. ECHOLS: Yes.

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[REDACTED] Well, that's the way it hit me on this ~~fix~~ fast reading, that - Boy! this is overstating it.

MR. BOREL: You don't really need that sentence, because that is what you have said earlier. Just knock it out.

MR. ECHOLS: That sentence could come out very nicely -- the preceding one and the one following [REDACTED] flow right together.

25X1A9a

[REDACTED] As a matter of fact, couldn't you possibly tie in better these 1947 Act statements that he made under a separate heading of some kind where he is trying to make this point.

MR. ECHOLS: I might say that Jim made it very clear that he had not had time to polish this thing in any way.

MR. WARFIELD: Is this a statement of fact, Emmett: "A choice to remain in the Agency System automatically places him in a category from which a higher rate of early retirements, whether voluntary or involuntary, will occur." We are limited to 80 a year. Don't we retire more than that under Civil Service?

MR. ECHOLS: No--

25X1A9a

[REDACTED] Not at age 50. ... (inaudible)... this being a whole section on retirement at an early age.

MR. WARFIELD: Okay.

MR. ECHOLS: Are there any other significant comments on this?

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[REDACTED] One point I wanted to look for -- and I haven't gotten to it yet -- is does it make clear the concept that if you have 15 years and 5 you elect, and if you don't have 5 years of qualifying service when you reach your 15th anniversary you are out but that subsequently you can get it? This one seems to me to be causing the most confusion among our people.

MR. ECHOLS: I'm not sure whether this is covered or not.

25X1A9a

[REDACTED] (Reading) "...will not be designated to the System until he has completed his five years..." -- I guess that makes it clear. This is on page 8.

No, then it goes on -- it doesn't make sense -- "Once this requirement is met..." The first sentence sounds all right -- if he has

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15 or more years but he doesn't have the five he can't be designated until he has completed his five years of qualifying service. Then he goes on to say, "Once this requirement is met, the notification of his designation to the CIA System will coincide with the occasion on which he must exercise his choice..." -- there is no more anniversary dates?

MR. ECHOLS: That is true. And it's not just automatic that he will go in -- he still has to be designated a participant and meet the other criteria as well.

25X1A9a [REDACTED] So there is no automatic occasion -- I would think it's up to the Career Service or the individual to point out the man is now in his 50th year and has finally gotten his five years.

25X1A9a [REDACTED] I think the second sentence of paragraph 15 needs working over, but I don't think we want to attempt it now.

MR. ECHOLS: I would disagree completely with that first sentence in paragraph 15: "Normally, designation of an employee with less than fifteen years of Agency service to the CIA System will be largely an automatic administrative action on the direction of the Director of Personnel, who acts on the recommendation of the head of the individual's Career Service." Quite to the contrary, it requires a very positive determination by both the individual, as to his service obligation, and by the Career Board that this is his career field -- and unless that is done it just won't happen.

25X1A9a [REDACTED] Isn't that true, though?

MR. ECHOLS: Yes, but the action of the [REDACTED] Career Service is the very significant one, and this tends to understate it.

25X1A9a [REDACTED] I think he was trying to be responsive to people who say, "What do I have to do?" "Really, you don't have to do anything -- the Career Service recommends, and the Retirement Board--

MR. WARFIELD: They have to sign a Service Agreement, don't they?

25X1A9a [REDACTED] Well, almost everybody in this category should have signed one. Yes, I agree, they have to sign a Service Agreement. Incidentally,

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are you going to keep this Career Service thing going? I notice we still get the paper saying, "Do you recommend this fellow for the Career Staff?"

25X1A9a

[REDACTED] It doesn't say "Career Staff" -- I think it says "for career employee status" or something--

25X1A9a

[REDACTED] I thought maybe the fact that he was recommended for this system would replace it. That just gets him off the probationary period, is that it?

MR. ECHOLS: Career employment in this Agency has a legal significance in our appointment structure. A man prior to that point has been a provisional employee. Quite to the contrary, rather than have it disappear we are going to try to strengthen this process of being in a provisional status -- try to make it more [REDACTED] meaningful -- have special Fitness Reports, and keeping it before the Career Services at all times that this man is provisional - provisional - provisional, and that that judgment to make him a career employee is a meaningful one. And we are taking steps to do this right now.

25X1A9a

[REDACTED] And I assume that nobody who is not in a career employee status could be designated as a participant in this system, even though he has over three years of service.

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[REDACTED] In paragraph 9 shouldn't this be [REDACTED] instead of [REDACTED]

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[REDACTED] Yes.

[REDACTED] There are a few words here and there that could stand maybe a little clarity. For example, at the top of page 5, the first line: "It is clear that precision in defining 'qualifying service' will grow with experience in applying the Act and the Regulation." I have my doubts that we will ever get anything that will approach precision. I think you mean something like equity, or a reasonable definition of qualifying service. I was puzzled by "precision" -- because I think the more we go into it the more we find that we are not going to be at all this precise.

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[REDACTED] I've just gotten to paragraph 16 for the first time--

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MR. ECHOLS: Would you hold that for a second, Harry?

I agree with you, Karl, on that precision in the definition--

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[REDACTED] And I was a little bit bothered by "exceptional" in the second line of paragraph 5 -- to say this authority is exceptional to normal Civil Service employment. My understanding was that it wasn't even a part of normal Civil Service employment.

MR. ECHOLS: We are not even a part of the normal Civil Service.

25X1A9a

[REDACTED] Again, I think we are raising these points, Eck, so that in the final review of it you would take a look at them.

MR. ECHOLS: It may be exceptional in the Federal service, or something like that.

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[REDACTED] It's the summary and broad nature of the [REDACTED] authority that is exceptional in government service.

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[REDACTED] Then the purely editorial things I would suggest simply turning our comments over to you and letting you take them for what they're worth.

MR. ECHOLS: Fine.

25X1A9a

[REDACTED] I'd like to raise one point. I think among the people who have had 15 or more years of service and are now qualified, there will be a sizeable group who have expected to retire at age 62 and have planned on that, and now they find that they are eligible for designation under this system, which would put them out at age 60. They are going to calculate that by working two more years they get a 4% more pension, and they're going to get a higher pension by remaining under the Civil Service system and working until age 62, as they have intended to do right along. I'd say this would come somewhere under this heading, "The CIA System and the Individual with 15 or more years of Agency Service."

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[REDACTED] This is the comment I was going to make under paragraph 16

[REDACTED] I know, as a matter of fact, that under our Career Service this is going to be one of the first questions asked by a number of people.

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25X1A9a [REDACTED] This is under paragraph 16 -- "...exempt from designation as a participant in the CIA system would normally be for cause resulting in permanent disability to meet the obligations of the Service Agreement."

25X1A9a I was going to make the same statement here that you (indicating [REDACTED] are making, and that Mike has made on a number of occasions, that there are people 25X1A9a who plainly want to stay until 62. Our [REDACTED] who is up for consideration today - he has 36 years of Federal service, and he is not real interested in getting into this system. He is about to go overseas on another tour, and when he comes back he will have 39 years of service. He's saying: I'm better off under Civil Service.

25X1A9a [REDACTED] Even the man who has less than 30 would get a larger pension by staying until he was 62--

MR. ECHOLS: With the understanding two more years will mean four percent--

25X1A9a [REDACTED] And two years at full salary.

MR. ECHOLS: So those people will probably elect not to go in to it, and it will be to their advantage to do so.

25X1A9a [REDACTED] But that is sort of ignored in paragraph 16, because it implies that normally it would only be for cause resulting in permanent disability.

MR. ECHOLS: I think we ought to add to it: or in a few cases it would be to the advantage of the individual--

25X1A9a [REDACTED] --it would be in the case of a man who could stay until 62--

[REDACTED] --his advantage could be nothing more than his desire to stay under Civil Service because it was a government-wide administered service rather than a limited Agency one.

25X1A9a [REDACTED] What I'm saying is he can elect when he gets to the 15th year to get out, and if he does it's because of some advantage to him.

25X1A9a [REDACTED] I read the sense of this paragraph to be he is either going under this system or else -- unless he (inaudible) Then this is much stronger, I think, than was intended.

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MR. ECHOLS: We have established previously in this Bulletin that the CIA system is generally more favorable and more advantageous, generally -- but here I think we ought to make provision for those circumstances where it is not to his advantage.

MR. BOREL: But you do have the word "normally", which explicitly indicates there are other situations. I don't see any trouble with that. If you have an abnormal situation, then we're going to hear the facts.

25X1A9a [REDACTED] You are saying the bulk are going to be for disability, and I'm saying the bulk will be because people will want to work for two more years.

25X1A9a [REDACTED] That is what I think. I know we will have a lot of such cases - a heavier percentage of such cases among our people over 50 now.

25X1A9a [REDACTED] Now, as a Career Service, Commo, or even the DD/S, I don't think we have quite faced up to what are we going to do when a fellow who we would like to have stay in this system and get out at 60, he says, "I don't want to." I have heard the immediate reaction of Red White: What the hell! - they would get a pretty lousy assignment. Would we take punitive action when a fellow--

MR. ECHOLS: Let's not take that up here.

25X1A9a [REDACTED] We in Commo are sort of saying: What do we do when a fellow says, "Hell, I want to stay another two years" ?

25X1A9a [REDACTED] I would say the answer to that question would depend on whether an agreed date has been specified. If an agreed date has been established already, I think it's an act of bad faith to pull the rug out from under the man.

MR. ECHOLS: Whether there is an agreed date or not, Roger, for the next few years there will be people who for the past five years at least have known these are the rules of the game - 60 with 20, 62 with five or more -- so in effect this is an agreed upon date. So if you suddenly changed the groundrules on these people, it would be kind of rough -- and I don't think we should unless we have to. This problem will disappear, I think, in a few years.

25X1A9a [REDACTED] Now you may have the man who says: "Well now, fine, if I may go back to the agreed date -- in spite of what you say, I have been told I will

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retire in 1968 -- I have agreed to this -- now, can I not go under the system and get the full two percent for every year, including the two additional years of employment -- because the dates have already been agreed to?" I would say "no" there, but this is going to be asked.

MR. ECHOLS: It seems to me it would be more equitable, Roger -- these are people who are qualified for this system - they have served in this type of duty, and so on - right? You have presently agreed: You will retire at such and such a date, at which time you are 62. If this is the case and if you would like to live up to this obligation and you would like to let the individual exercise his option, why not go to the Director and get an extension for this man to that date -- and then he can stay under the system and get the benefit of it, and you can fulfill your obligation to the employee. Why penalize even that 3.75%?

MR. BOREL: I don't see that, myself. If they have made a deal on one basis ...(inaudible)... Now you don't always need to apply when you don't want him to stay--

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[REDACTED] This is one that is really bugging me. And I certainly understand people wanting to stay until 62. We are beginning to run into people 55, 56, and so on -- we haven't really sat down with them yet about early retirement -- but if they say, "Gosh" -- and let's assume they have 15 and 5 -- "If I say yes I'll have only four more years to go, so just on that basis -- and I would rather work until I'm 62, getting a full salary -- so I'm not going into this system." Now really we would prefer that they get into this new system and get out at 60. They're not bad enough to get rid of ahead of time, but you're not particularly interested in carrying them for another two years. I think our hands are tied a little bit by this law--

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[REDACTED] That is what Congress intended. It's up to you -- if you don't want them, separate them -- try to take some action with the Director. But the Congress intended to give them the right of election. Now we can't sit here and take it away from them.

MR. ECHOLS: You're not going to get the maximum utilization out

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of this system that you might like, in some cases.

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[REDACTED] You stated the rule in reverse that we used in

trying to get this system -- that is, we wanted to have honorable retirement, rather

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than using [REDACTED]

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[REDACTED] I'm saying Congress intended he should have

this election, and it gave it to him. Now we can't sit around here and try to

figure out gimmicks to take it away from him.

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[REDACTED] I often wonder, though, did they use the words they

meant to use? Didn't they really want to give the man the right to say, "Boy! I'm

in this system, and you can never throw me out." Did they really mean we want

to give this man a right to get out if he wants to?

25X1A9a

[REDACTED] They said it specifically at the hearings -- so

he would have a choice, and if it were to his advantage to [REDACTED] retire under the

other system, he could take it. And that is the only benefit they really gave to

him -- and when they were talking about that they were talking about cutting down

the Director's authority -- in that one place only.

25X1A9a

[REDACTED] I believe [REDACTED] stated it this way: that there

25X1A

ought to be some point in an individual's career where he could be sure from then

on he wasn't going to get this transfer in and transfer out treatment, and know from

then on what was going to happen to him, and that led up to where this 15 year period

was finally agreed on.

MR. ECHOLS: I'm afraid we're stuck with it -- I really think so.

Are there any other comments?

25X1A9a

[REDACTED] It seems to me the inference is erroneous in one

word in paragraph 4 on page 2. Right in the center of the paragraph there is a

sentence: "At the time of his 15th anniversary in the Agency the individual will be

able to exercise a choice -- provided that he has completed 5 years of 'qualifying

service' and renews his service obligations -- of either reaffirming his desire to

remain in the CIA System for the remainder of his career or to request his return

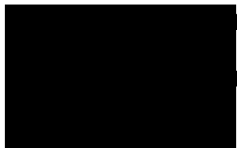
to the Civil Service System." I disagree with the term "reaffirming" -- the use of

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the word "reaffirming" implies that he has had a chance to say something previously, which he has not.

25X1A9a



I think Jim is talking about that Career Service agreement--

Up to this point he has had no choice -- he merely

indicates which way he wants to go.

25X1A9a



If you think in terms of the agreement he has signed,

that he will go anywhere, and so on--

25X1A9a



This specifically says "reaffirming" his desire to

remain in the system.

MR. ECHOLS: When he first was put into this system he affirmed, for the first time, that he wanted to be in the system and that he would accept the service obligations, so at the 15th anniversary Jim is calling for a reaffirmation of his desire to stay in the system and acknowledge his service obligation -- isn't that correct?

25X1A9a



Jim has made this statement here, that in terms of management he would like to call a man in at the completion of 15 years and say, "Look, are you still ready and willing to live up to your service obligations?" In that sense he would be reaffirming--

25X1A9a



The inference I got from it was that he might have the opportunity to say whether he wanted to go under the system or not. I think it is pretty well settled that he has no choice originally.

MR. ECHOLS: We notify each individual when we first put him in, and tell him of his right to appeal that -- but if he accepts it he is doing two things: he is affirming that he wants to be in the system, and doesn't want out - because he didn't appeal it, and he has accepted the service obligation.

25X1A9a



Why couldn't it be rectified by saying "affirming" rather than "reaffirming"?

25X1A9a



I can give you an analogy that might help. Your ~~certification~~ certification to the Bureau that an individual is nominated by the Director for Civil Service retirement requires that he certify, in addition, that if the individual is not retired he would be continuing under this same, onerous type of

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service he had previously and at his age this should not be required and he should be allowed to retire. In this reaffirmation you are now stating you are going to continue performing the same type of service you have always been under, as well as your desire to stay under the retirement portion of the program -- it's the workload or the type of work and type of service that is important, rather than the system -- so you are reaffirming the service, rather than reaffirming the desire to be under this retirement system.

MR. ECHOLS: Anything else on this? (No response.) Well, we will get together with Jim as soon as he is available, and if we can shape up something in which we are mutually confident, is it all right with you people if we go ahead with it?

25X1A9a [REDACTED] Yes, sir!

. . . . Other Board members indicated in the affirmative

MR. ECHOLS: Now, this comparative chart, are there any observations on this?

25X1A9a [REDACTED] I didn't give the members copies of it. I didn't know if you wanted to go into that.

MR. ECHOLS: Are there any significant changes in this chart since they saw it last?

25X1A9a [REDACTED] No.

25X1A9a MR. ECHOLS: If you don't mind, we will just [REDACTED] skip this chart.
[REDACTED] May I make one quick comment about an addition?

There is nothing in the chart that points up the continuation of either FEGLI or Health Benefits insurance. They are substantially the same under both systems. This might be one added item, just to be sure it's not overlooked by the individual.

MR. ECHOLS: I think that is an excellent idea. Okay. Anything else? (No response.)

Now, we have 14 cases today, all of which I think are going

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fairly easy. Under Tab A we have an individual who has been proposed as meeting the basic criteria, has 15 or more years of Agency service, and who has already applied, in writing -- and I have it here -- for voluntary retirement,

25X1A9a

which request has been approved by the DD/P. Her name is [REDACTED] This is for voluntary retirement, and the desired date of retirement is as soon as possible or ^{by} July 1. I have her request here. (Mr. Echols then read this letter.) This was submitted in October, 1964 -- so she does wish to retire as quickly as possible -- and it was approved on 21 May by the DD/P, so I would assume we could waive the 30-day notice provision, because she obviously has had notice, and she could be retired 1 June.

I might call attention to our new summary form here. You will often find discrepancies between the periods of qualifying duty and that which we have positively verified, so on our summary form we are putting the word "verified", so you will know at a glance that this has been verified by our staff [REDACTED] after it was submitted by the Career Service. And on the nomination form we have totalled this all up so you don't have to engage in mental arithmetic. Then on the bottom of the summary form we have given the details of our verified service and we show the date of the computation down below. And the years of Agency service in all cases will have been verified by us if it's on the summary form. We can't verify positively the Federal service, because there may be more than that claimed, but we don't necessarily have the records in the Agency to conclusively verify that service. A person may have some qualifying service which we have no record of, or no knowledge of.

25X1A9a

[REDACTED] Well, obviously you have to before you retire--

MR. ECHOLS: Yes, but this would have to be done by a search of records, and in some cases the individual is going to have to pay in some money to get credit for the service.

MR. WARFIELD: But it's not likely to be less than is stated here?

MR. ECHOLS: Oh no, it won't be less than this, because this does

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come from our records.

25X1A9a Are there any questions about [REDACTED] or
shall we approve her--

25X1A9a [REDACTED] I so move.

. . . . This motion was then seconded and unanimously
passed

25X1A9a

25X1A9a MR. ECHOLS: In Category B we have one individual, [REDACTED]
who will be subject to mandatory retirement immediately upon designation.

[REDACTED] is age 63, a GS-14, has had 24 years of Federal service, 12.10 years of
Agency service, and 76.15 months of verified qualifying service.

25X1A9a [REDACTED] Again, there seems to be no question--

25X1A9a MR. ECHOLS: [REDACTED] is going to be retired under Civil Service
on June 30th, but if we move quickly enough we can retire him under our system.
I would suggest on the same date -- any objection to that? Any reason why he
couldn't be--

MR. BOREL: What is the reason for using up a good slot for this
fellow?

MR. ECHOLS: For the simple reason that he appears to have
qualified and to have earned it, and I think that we decided not to discriminate--

MR. BOREL: I think in these cases where Agency policy has been
waived and the guy has gotten some benefit, it seems to me that might be an
extenuating circumstance. This guy is about a year overdue now.

25X1A9a MR. ECHOLS: I think we [REDACTED] decided, though, as a matter of policy--
[REDACTED] We did earlier on sort of say that, right or wrong,
that anyone, whether he was eligible for Civil Service or not, we would allow in.
I assume there will only be a handful of them.

25X1A9a [REDACTED] You mentioned 1 July instead of 30 June. What is the
reason for that?

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MR. ECHOLS: Under our law retirement takes effect the first day of the month following -- the annuity takes effect.

25X1A9a [REDACTED] I asked that because we have a case -- Paul, as you know, we are required to be down to a specific on-duty figure by 30 June--

MR. BOREL: (Laughing) I'll give you a few day's grace.

25X1A9a [REDACTED] Because this will cause us to be one above what we otherwise would be on 30 June.

MR. ECHOLS: Roger, he can be separated as of 30 June and his annuity can start 1 July -- so you won't need that day of grace. (Laughter)

Under Tab C we have three people, none of whom will be eligible for immediate retirement but who have 15 or more years of Agency service and therefore will be called upon to immediately exercise their option to go into

25X1A9a the system or stay out. The first one is [REDACTED] who has 63.01 months of qualifying service, 21 years of Federal service, 17.8 years of Agency service -- he is currently on an overseas tour, so actually he has a total of 77 months of qualifying service. Any questions or discussion, or objection? (No response.)

25X1A [REDACTED] 71.07 months of qualifying service. He is very much of an overseas careerist and I rather imagine he will be serving one or more additional tours overseas. Any comments, discussion, or objection? (No response.)

Alan M. Warfield. Would you care to reaffirm your willingness to meet your service obligations? (Laughing)

MR. WARFIELD: (Laughing) I not only reaffirm, I volunteer it.

25X1A9a [REDACTED] You're not the only member of this Board whose case is going to come before it.

MR. ECHOLS: Any objection to any of these three cases? (No response.)

25X1A9a Under Tab D we have one case - [REDACTED] who is getting very, very close to the 15 year point. I don't quite know how to handle this.

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We could stall it until July and not have to look at it again. He's really no different from the three preceding ones, or won't be any different two months from now.

25X1A9a [REDACTED] He's got the qualifying service.

MR. ECHOLS: He has 75.24 months of qualifying service -- and again, I would say, very much of an overseas careerist -- ready to go, and likely to go. Any objections to this one? (No response.)

Under Tab E we have eight cases. These are employees who have something less than 15 years of Agency service, but all of whom have been proposed and who appear to be qualified.

25X1A9a

25X1A9a

25X1A6a

[REDACTED] I might add on the first one, [REDACTED] he definitely wants to retire -- and, really, he has extended for the third year in [REDACTED] -- and he can do the job for us, so I don't mean just for that -- and that will give him the full five years. So while he has 45 now, at the conclusion of this tour he will have the 60 months.

25X1A9a MR. ECHOLS: The next one is [REDACTED] who has 72-plus months of qualifying service.

25X1A9a [REDACTED] Now Herb strikes me as one who might well elect to stay out of this system -- but I guess that is up to him to decide. I say that because Herb has 34 years of Federal service right now, and he's only 53, and if he expects to stay around until he's 60 he's going to have 41 years.

MR. ECHOLS: I would think if he wants out in the near future he would go in, and if he doesn't he will stay out. I will have to write him a very clear letter to make sure he understands what the issues are.

25X1A9a

25X1A9a

25X1A9a

[REDACTED] Now I also have -- only because it is a companion piece -- [REDACTED] and I let this ride on through only because I figured it would be a good exercise -- but I'm quite sure that [REDACTED] who has 36 years of

Federal service right now, and who is about to leave for the [REDACTED], is going to elect to stay out -- that is, when he gets his letter from you, he's going to say: I'll stay in Civil Service.

25X1A6a

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MR. ECHOLS: These are interesting cases, if only for these reasons.

25X1A9a

The next one here is [REDACTED] a Personnel careerist,

has 64.15 months of qualifying service, and I will attest for the fact that Rex is ready, able and willing to go at any time, and very probably will.

25X1A9a

[REDACTED] Mr. Chairman, in all these cases, we don't get the rear of the Form 13 3100--

MR. ECHOLS: This is an economy measure -- but I can assure you that in each case we have them here.

25X1A9a

[REDACTED] We are getting the statement that they are in the type of qualifying service--

MR. ECHOLS: Yes, that is on the initial nomination.

25X1A9a

25X1A9a

25X1A9a

[REDACTED] age 50, 22 years of Federal service--
[REDACTED] Here again you have one of our types -- and, obviously, within the confines of this room -- [REDACTED] is a very marginal employee, and he recognizes it and is very willing to retire. He is so bad we hate to send him overseas again, but I have come to the conclusion that rather than keep him for 12 more years we're going to send him over for a 1-year tour somewhere, so that he can retire.

MR. ECHOLS: That is one reason we have this system. He will come up and apply for retirement, I presume, a year or a year and a half from now?

25X1A9a

[REDACTED] That is right.

MR. ECHOLS: It won't be an involuntary deal, is what I'm getting at.

25X1A9a

[REDACTED] No, it will be voluntary.

25X1A9a

MR. ECHOLS: The next one is [REDACTED] with 71.18 months of qualifying service, and he is currently overseas. I don't think there is any question here.

25X1A9a

[REDACTED] we have already discussed. He has 56.18 months of qualifying service. How did you say you were going to handle him? He is the one who is going to stay out anyhow?

25X1A9a

[REDACTED] is under orders -- he is leaving within

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the next month or so--

MR. ECHOLS: With 36 years of service--

25X1A9a

[REDACTED] He still has -- before he hits his 15th anniversary he has enough time to become qualified -- he is only short four months, so he will be able to get that in, regardless.

25X1A9a

25X1A9a [REDACTED] He is different than [REDACTED] then. You want him

25X1A9a in the CIA system and keep him in the system.

[REDACTED] Right.

25X1A9a

But this next one - [REDACTED] - is an interesting one, to me. He just got back in July, 1964, from an overseas tour. As you can see, he needs seven more months or so of qualifying service. He has a year and a half, roughly - 1.7 years - before he has his 15 years -- so theoretically he is eligible for designation. Now I know he is not going to go overseas within the next year or year and a half. So this brings up the question: do we put him in and then take him out at the end of a year and a half, and send him overseas and put him back in?

MR. ECHOLS: It would be far better not to put him in at the present time, I think.

25X1A9a

[REDACTED] I tried to explain that to him -- and he doesn't care -- but he also brought up another thing, that he thinks he is qualified -- but he's really reaching! -- because he is in COMINT -- he says, "In my mind, I'm in that category where I do something I can't sell anybody anywhere else, and even while I was here in the United States that is qualifying service, as I read that Act." I said, "Well, the time has not yet come for that test case yet." But he thinks it is, the way he reads the Act. As I say, I didn't submit that, and I don't think it stands a chance -- but I'm just saying, this is what goes on in peoples' minds.

25X1A9a

[REDACTED] If you want to test it, hold him out and let him appeal, and let him bring up the COMINT side.

25X1A9a

[REDACTED] You don't get a nice, clear-cut case for an appeal -- there's even a question on him because he has enough time left to get other qualifying service. Now I haven't listed it, but if I listed it as qualifying service for the

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reason that I think all of his headquarters service was qualifying because he is in a trade that is not(sellable), or he can't tell anybody about, then we would have to face up to it. The Board has indicated they would like to keep holding off on [REDACTED] these things until it is really necessary.

MR. ECHOLS: This raises a question in my mind that I would like to discuss for a minute. Here this man has time enough between the present date and his 15th anniversary to get the requisite months of qualifying service. But the Career Service can tell us that in all probability they're not going to use this man in such a way during these months--

MR. BOREL: You don't keep him out of the system--

MR. ECHOLS: Shouldn't we go more on the statement of the Career Service as to whether it's probable that he will do this, rather than put him in and have to pull him [REDACTED] out, with the attendant administrative responsibilities and confusion--

25X1A9a [REDACTED] This is what I'm specifically recommending, that we not put him in, knowing that we are only building up another case for ourselves--

MR. BOREL: The real question is whether you are doing the individual an injustice -- and you are not by postponing this case.

25X1A9a [REDACTED] It does bring up this point, and I guess it's very theoretical -- and he is aware of this, although he is not going to get excited about it -- if he dies within the next year and a half his wife would get a larger annuity if he was a part of this system.

MR. WARFIELD: Is that true?

25X1A9a [REDACTED] I think it is--

Its going to be 3.75, definitely.

Then you should put him in here.

This is the technicality I was waiting on.

MR. ECHOLS: Our regulations don't require that we let somebody in because there is enough time--

25X1A9a [REDACTED] No, but we have to approach this one that if this man

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now comes up with an appeal what would we say are our reasons for keeping him out?

Our reason would have to be that we wouldn't send him overseas within that time --

but he is saying, "According to the law I am eligible for designation."

MR. ECHOLS: Why does he say that?

25X1A9a

Doesn't the law say if you have enough time before
your 15th year--

25X1A9a

It says you must have enough time before the 15th year
to be designated, but the reverse isn't necessarily true, and we would have to look
to the Career Service to tell us that you really expect him to get the service.

25X1A9a

What was the answer given under Section D
by the head of the Career Service in this case? Didn't he say there that he is
serving in a career field which normally requires the performance of qualifying
service--

25X1A9a

He is -- but he's a guy who has been back for one year,
and normally he is going to be here for a 3-year tour and then go out again.

25X1A9a

I thought if you could get your qualifying service
within that--

MR. ECHOLS: Let me read this Section D to you -- and I think,

Harry, you probably should not have submitted this -- "Based on his career
assignment and past and prospective performance of qualifying service, this
employee is recommended for designation as a participant in the CIA RETIREMENT
AND DISABILITY SYSTEM." Now let's stop right there. You have looked at
this case, you know the regulations, and you know what your plans are for this man
for the next year and a half, in all probability, so that is his prospective performance--

25X1A9a

If we take one thing at a time, very legalistically,
he is in a service where he goes out and comes back -- he just happens to be
back now -- but strictly speaking, answering that question -- I mean, I'm using this
as a bit of a test case, for guidance. My ultimate recommendation would be
leave him out, except for this one technicality.

MR. BOREL: Leave him out and let him appeal -- that is what I
would do.

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MR. ECHOLS: I think we should return this one to you, and we should not pick him up. I think we should notify him as to what and why.

25X1A9a

[REDACTED] He won't care.

[REDACTED] But didn't you state another ground, too - that he felt he had other qualifying service?

MR. ECHOLS: I would like to speak to that subject today, if we have the time.

25X1A9a

[REDACTED] He happens to be an agreeable type, because he is saying, in his own mind, "It isn't critical to me whether I stay under Civil Service or this Act -- I prefer getting out at 60, but by that time I will have five years of qualifying service and at that point I can elect to come into this system." So he is pretty reasonable about it -- but he is curious about all the factors.

MR. ECHOLS: Didn't you also say he was claiming qualifying service on some other basis--

25X1A9a

[REDACTED] Of course, he isn't in a position to claim -- he's saying, "I feel I have five years within the meaning of this Act, because this is the way I read it." Well, I couldn't say we have ruled against that. I have only been able to say to him, "From the type of things -- you don't stand a prayer." But we don't really have any decision that would sweep aside these things if they're unique -- you know, that third item in the Bill that says you are engaged in work that is so sensitive, and not revealable, and you can't tell anybody about it -- he thinks he is under that. I don't.

MR. ECHOLS: Is it the consensus of the Board this man should not be put in the system in view of the probability that he will not have 60 months come the 15 year--

25X1A9a

[REDACTED] I think you better look at the regulation again "Designation. In before you say that, because all it says is [REDACTED] order to qualify for designation as a participant." Now suppose he appealed. He would say: "I'm over 25 years of age" -- and then he goes on through these -- and paragraph (f) says: "Have sufficient time prior to completion of 15 years of service with the

Agency within which he could complete a minimum of 60 months of qualifying service..." Now this man can. Now, whether they intend to or not, he can -- and I think the General Counsel's Office ought to be asked--

MR. ECHOLS: But don't the regulations also contemplate the nomination of the individual by his Career Service?

25X1A9a

again.

It seems to fall right back on his Career Service

Suppose we elected not to nominate him, wouldn't

he, as an individual, have the right to appeal to the Board? I mean, after all, we're all going by the same regulation. It's sort of a sticky one -- this is why I am trying to emphasize it. Now this particular man is not going to appeal it, so the Board would get off easy if you agree "Don't put him in." But the next fellow -- there might be another case -- and it's just a question of how long we keep putting off this decision, or a variety of decisions. In other words, if the man still has time, be it theoretical or not, he is put in -- the only gimmick being the death benefit thing -- then maybe we have to put him in. Now if it's just a matter of a bookkeeping entry, maybe it's not terribly significant. At one point I thought we transferred the names and funds over to Civil Service, and then took it back, but I gather this is not now really the case -- I don't know how complicated it is.

25X1A9a

It's quite complicated, believe me. It's not easy.

It seems to me you would have a lot of problems with this -- because any man coming back from overseas, if you want to decide on the spur of the moment, "He is not going back for three years, because we want to keep him on the desk here" -- you could say this person is not serving on a career basis in a field which normally requires -- so you take him out of that. But another fellow that you know is going back in three years, and you want him to go back in three years, are you going to say the same thing for him?

MR. ECHOLS: I think if in the judgment of the Career Service -- and there is enough time for the man to do this -- if they think undoubtedly in due course he is going to make it, then why not put him in? Right? But if you think,

for some reason or other, that maybe this guy is never going to go overseas again, or you are not satisfied with his overseas performance, or something like that, then I would keep him out.

25X1A9a [REDACTED] Then you are , in effect, on this one subparagraph, you are saying to him that he is not serving on a career basis in a field which normally requires the performance of qualifying service as an integral part of a career in that field.

25X1A9a [REDACTED] We are not saying that. I really think we should try to get a legal decision on it.

25X1A9a [REDACTED] Let me try one more question. Didn't you indicate that without any question before he reaches age 60 he is going to have more than 60 months, and he is going to make it?

25X1A9a [REDACTED] I would hate to state that--
I mean, there is nothing against it.
No.
Let me move up 15 months. Now we put him in today, and 15 months from now he comes up for review on the 15 year provision, and we have to make that determination now. Is he still--

25X1A9a [REDACTED] According to the rules? Who the hell knows.
I think it really boils down to some five months and some days. He may even get some TDY. But at that point we don't have any choice -- at that point if he doesn't have five years he's out.

MR. ECHOLS: We lost most of our latitude here, Joe. We had a complete exception clause originally.

25X1A9a [REDACTED] I think on the basis of this adverse decision in terms of the man's death benefits, that there should be a legal decision on do we have to go through the mechanics to protect him during this next 18 months, or don't we?
That is my feeling. Because, as I say, Mike, right now it's a year and a half, and I'm almost positive he is not going out, but with the next guy it could be three years, and you're not quite as sure -- or it's two years. In other words, the law

says if there is enough time left so he could do it, he is entitled to be a participant. As I say, this guy will not appeal it, but if he did, I'm not too sure the legal decision wouldn't be to put him in.

MR. ECHOLS: We need a guinea pig case -- lots of them, as a matter of fact. We could play this one of two ways: throw him out and see what happens - or ask him to appeal; or we could put him in and at the end of the 15 years toss him out -- and then you would be putting him in again later, probably.

25X1A9a [REDACTED] Wouldn't this be a good case to try the IG machinery and run it through? You have a friendly citizen, well under the control of his Career Service, who is not at all antagonistic.

25X1A9a [REDACTED] Joe, just within the family here, why can't we just ask you for that opinion? I think it would be better not to have the guy appeal.

25X1A9a [REDACTED] I'd like to say: If he appealed and it wound up in
25X1A9a your (indicating [REDACTED] shop, what would the ruling be?

. . . . Coffee break

25X1A9a MR. ECHOLS: Could we go back now and finish up this [REDACTED] case?
The way I see this thing, your Career Service has certified on the back of this form that based on his career assignment and past and prospective performance of qualifying service you recommend him for inclusion in the system. You could just as easily have not recommended him, it seems to me, and in view of the fact that you do not have plans for him which will permit him to complete the requisite 60 months by the time he reaches the 15th year, and you know this is going to generate an administrative problem, I would suggest that your Career Service, and any other Career Service in like circumstances, merely postpone the recommendation for designation in the system. The only reason for not doing so is because you're saying the man might die in the meantime. Well, one alternative is for the Career Service to delay making this judgment until they are a little more sure that the man is going to continue in this career field and will have a reasonable chance of

[REDACTED] acquiring the 60 months--

25X1A9a [REDACTED]: Can't we just table the case until--

MR. ECHOLS: But if we leave the case in, I really think we have no choice but to probably approve him.

25X1A9a [REDACTED] I think that would be the legal decision on this.

25X1A9a MR. ECHOLS: Is this a matter for a legal decision?

[REDACTED] I don't know--

What is the appeal mechanism? I mean, if it

came up here would we sit in judgment again--

25X1A9a [REDACTED] It could be the IG, and the IG would come and ask the Board why they had not accepted --

MR. ECHOLS: If the Board rejects this over the recommendation of the Career Service, I think you would have a [REDACTED] factual case which could be appealed and probably a legal finding reached. But in a case where the Career Service does not make the judgment which is necessary, but postpones the judgment, is it then a legal case?

25X1A9a [REDACTED] Of course, it is interesting to note that I did not specifically go to the Admin people in Commo and say, "Do this." They, in the normal course of events, concluded this man was entitled to be designated -- because that is the way they read the Bill - he has enough time left so that he could. Now I'm being possibly a little more positive than I should, because a year and a half is a long time in this outfit, and maybe something will happen in nine months that will decide this thing more -- but I don't think so, and I'm sort of telling you this--

25X1A9a [REDACTED] Is he one that might be used in an emergency, in any event?

25X1A9a [REDACTED] Yes, he could.

MR. BOREL: Well, my current view on this is that if you didn't feel strongly enough about not sending him overseas to withhold the application, then I think we ought to go by the record and let him in. You shouldn't have let the case come forward here unless you were willing to back it up.

25X1A9a [REDACTED] I think we have answered every statement on there honestly. There is nothing there that says, "Will you swear--

MR. ECHOLS: I quite agree.

25X1A9a [REDACTED] Then I think we have to buy him.
[REDACTED] Now maybe we're coming to something which says on the form - where, if this man does not have time, do you, as a Career Service head, feel that it's likely that he will have it? Well, if we have to answer that question, that is another question.

MR. ECHOLS: We probably should not let administrative expediency lead us to hold people out of this system when there are possible benefits to them by being in it.

25X1A9a [REDACTED] I'm afraid to say that that could be the final decision on the thing.

MR. ECHOLS: I'm for letting him in.

25X1A9a [REDACTED] This is a clear-cut one, but I think that over the next six months we're going to have many where the fellow has 18 months or so to go, and you're going to have to run around and say to (ONE) or FDD, "Do you think this fellow will go out during this period and earn this time?" - and everybody has to sit down and decide he will or he won't -- and I'm not sure you want to start a system like that--

MR. WARFIELD: Emmett, maybe if we forced this issue -- we're really not concerned with this situation now, because he is clearly entitled to be a participant. Now the 15 year thing has us bugged. Now maybe we could work out a system where these men could be held in limbo. If Harry has a plan - "Well, very shortly now we will be sending [REDACTED] him back overseas " -- maybe we could just hold this in abeyance and not transfer him back to Civil Service, and then at a later date, if he doesn't go, say we would like to transfer him back as of such and such a retroactive date.

MR. ECHOLS: [REDACTED] How about that, Byron? In other words, if we put him in the system, if you don't initiate any action vis-a-vis the retirement

system until the situation is clarified -- in other words, if you just held this for a year and a half until the 15th year came up, and didn't bother to transfer his money yet--

MR. BOREL: Basket leave--

25X1A9a [REDACTED] Then he wouldn't be covered by the system.

[REDACTED] Yes, he would be fully covered -- he has been designated.

MR. ECHOLS: We designate him but we don't go through the administrative side of this thing.

25X1A9a [REDACTED] In this case you are denying the Fund the utilization of the investment of the moneys we would obtain from the Civil Service Commission.

MR. ECHOLS: True, for a year or a year and a half--

25X1A9a [REDACTED] As this multiplies it becomes a sizeable figure.

MR. WARFIELD: Or, Emmett, you could go one step farther -- you could go ahead and transfer the money and when the 15 year review comes up not transfer it back to the Civil Service Commission until we have had a chance to see whether or not he is going to retire, or dies, or--

25X1A9a [REDACTED] This is a point I'd like to make, that are we clear now -- going the other way -- now it's the 15th anniversary for this fellow, and he needs six more months, and I would come here and say, "Gee, I don't think you ought to take him out, because I can now be equally positive that within the next six months this man will go overseas and will qualify." Could we make the leeway at that end?

MR. ECHOLS: I don't think we have that leeway--

25X1A9a [REDACTED] You're sort of saying we don't have any leeway--

MR. ECHOLS: If he is under official orders -- let me read this:

"Unless the minimum periods of qualifying service set forth above have been performed, the employee will not be eligible to remain a participant unless (1) he is then serving on an assignment which will satisfy the qualifying service requirement indicated for the review involved, or (2) he is under official orders to serve in such an assignment within 90 calendar days..." There is your straightjacket. "or (3) at

the time of the 15th anniversary review he has sufficient time prior to completion of 15 years of service with the Agency within which he could complete a minimum of 60 months of qualifying service." That is not a hell of a lot of leeway.

25X1A9a [REDACTED] Harry, let me ask you a question. Suppose you had somebody -- and he's really a topnotch fellow -- who just came home. Now you know that you want that fellow to do a two-year tour at home. You know under those circumstances he is not going to get his five years in before the completion of 15 years. Would you put that fellow in? You know he is going out in the future.

25X1A9a [REDACTED] No, I would say his name could have come up and I would never have noticed--

25X1A9a [REDACTED] Isn't this an individual case you have and you're not so hot on him--

25X1A9a [REDACTED] He's a GS-15, so I'm pretty close to--
[REDACTED] You have to administer it, it seems to me, uniformly across the board. If you have doubts about this fellow, I don't think you should sign section D.

25X1A9a [REDACTED]: Section D says he is in a Service that normally requires overseas duty.

MR. BOREL: You haven't finished that sentence -- he is in a field which normally requires it, but you have said he wasn't -- you haven't finished that sentence.

25X1A9a [REDACTED] Surely that is the intent -- that he is now serving -- that his career field is that of a person who is going to normally rotate to the field.

25X1A9a [REDACTED] That is his career.
[REDACTED]: He is now serving in that career. The fact that he is back at headquarters doesn't mean that tomorrow if a situation arose you couldn't send him out. I think with that fellow that is his career -- he is normally a guy that will rotate and you want him to rotate. But you have created a problem here because you know you don't want this man to rotate -- you are, in effect, saying you don't want him in this Career Service anymore, and I don't think you should sign Section D here.

25X1A9a

[REDACTED] I don't think that is true -- you can be in the Career Service without any specific intent at a given time to send a man overseas.

25X1A9a

[REDACTED] I thought you were making the point the other way -- that you sort of want me to perjure myself for convenience -- because the statement is in a Career Service which normally requires overseas service -- he just happens to be back home right now.

25X1A9a

[REDACTED] No, no -- it goes farther in your case, because you are not so sure you--

25X1A9a

[REDACTED] No, no - that was the other case. This one is a perfectly good type and we would normally want him to go over again.

25X1A9a

[REDACTED] I thought it was the previous one we were directing our attention to here, which was the case where you weren't sure--

25X1A9a

[REDACTED] We are going to send him overseas to get his five years to get him out.

MR. ECHOLS: I'd like to put this man in, notwithstanding the fact we might be forced to move him out again temporarily at the 15th year -- and maybe we can solve that 15 year problem somehow between now and that time.

25X1A9a

[REDACTED] I think probably the most significant thing that comes to my mind is that if we don't then we are saying that every time a man has less than 15 years and needs a couple more years of qualifying service that we should be questioning somebody: Is he or is he not going to make it in that time period? And I don't think that we can. So even though it hurts a little administratively -- and I know I'm going in circles a bit, because I said at the beginning if the Board was really against it, this man was not going to appeal -- but I don't think it's fair as far as the principle that we are trying to establish--

MR. ECHOLS: I agree. Any dissents? (No response.) In he goes.

25X1A9a

The next case is [REDACTED] a Support careerist who may well go overseas at any time. Any discussion or objection? (No response.) Okay, [REDACTED] is in.

25X1A9a

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MR. ECHOLS: Now, what I would like to bring up and discuss briefly is that in our Regulations the definition of qualifying service covers three things, and we have discussed (a) and (b) many times, but we have been silent on (c). "Qualifying service" means performance of duty as an Agency employee: (a) under conditions of employment which include a demonstrable hazard to life or health in the conduct or support of covert action operations abroad, or espionage and counter-intelligence activities abroad, or other intelligence activities abroad ... Now, we have agreed to interpret this very, very broadly, that generally speaking overseas service is qualifying service provided that service is related to any one of these three categories of service. This is page 118.2 of the Regulation. So I don't think we are having any difficulties with this provision.

Provision (b) is: "under conditions of employment requiring the continuing practice of most stringent security and covert tradecraft procedures to maintain personal cover in the conduct or support of covert action operations or espionage and counter-intelligence activities abroad."

25X1A9a

[REDACTED] This is in support of actions abroad, as distinguished from being abroad.

MR. ECHOLS: Correct. And I think, although we haven't gone into many specific cases or illustrations yet, we agreed that "most stringent" should be interpreted rather tightly, that by "most stringent" we mean most stringent. And we haven't even gotten down to specific cases yet--

25X1A9a

[REDACTED] I don't think we have even covered the broad type of statement--

MR. ECHOLS: I know some of us have made some statements about a post of duty in the West which we think is pretty damn stringent -- it's isolated, demanding, and so on -- but there may be others that we haven't looked into yet as individual cases.

The thing I would like to discuss today, because it hasn't been discussed, is this provision (c): "on a continuing basis which would place the individual at a distinct disadvantage in obtaining other employment either because (1) the

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skills and knowledge are unique to the clandestine activities of the Agency and are not in demand elsewhere, or (2) the duties are so highly classified that his experience cannot be described in sufficient detail to demonstrate his qualifications adequately to a prospective employer."

Now I can see the average employee - or the average person, for that matter - reading this provision, and damn near 90% of us, at least, thinking: Hell, what I do and have done over the years is so secret that I can't really tell a prospective employer exactly what I've been doing and really get across to him the importance of my work, and so on -- therefore, all my service is qualifying.

So let me try to put this into perspective immediately, as to why it's in the Regulation at all -- indeed, why it was in the law, etc. Our first early retirement program -- our special retirement program, let me put it this way, was copied after the Foreign Service, and incorporated in the Foreign Service retirement system is a complete system for discontinued service benefits - which happens to include an immediate annuity for a GS-18 or above -- happens to include a provision for an immediate annuity for GS-14's and above, in fact, provided they have met certain years of service requirements, and also provided for discontinued service compensation for 15's and below. We were after that complete package of discontinued service benefits. Now, in order to justify our case, and having in mind our [REDACTED] experience, we had this language in here, considering that should we have a surplus personnel exercise of some kind -- for example, we would find [REDACTED] -- or almost any person, if you will, who had been engaged in work that he couldn't talk about -- had to be separated as being surplus to our needs, at the time we decided "This man is surplus, and he should go" we wanted to be able at that time to look at this man's problem of getting another job somewhere else, and if he was [REDACTED] going to be severely hindered in getting an equivalent job, for security reasons, or if we in our training over the years or in our utilization over the years have led this guy into a very esoteric field of work where there is no commercial counterpart, we felt we should be able to put him at that time into this retirement system and make him immediately eligible for these discontinued service

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benefits. But we didn't get the Foreign Service retirement Bill, and in our own subsequent Bill the discontinued service benefits of separation pay and that sort of thing were all stricken out -- nonetheless, it carried some of this old language forward. We did this knowledgeably and thoughtfully. I don't think Congress actually knew what we were doing. But we still think it is valid to put a person into this system who has perhaps never been overseas, who perhaps has never performed qualifying duty in the United States, if the Director decides to separate a man who is surplus and if in so doing he is really putting this man over a barrel, and in rare cases we could put people into this system under this provision, so that they could retire with the benefits of this system--

25X1A9a [REDACTED] And yet sort of implying a double standard of involuntary versus voluntary.

MR. ECHOLS: I think the law in its language permits us to do this, but I think it's [REDACTED] something that would have to be done on a very, very restricted basis, and I think the Director is going to have to make the decision with the full knowledge of what he is doing in every case.

25X1A9a [REDACTED] I'm sure what you say is 100% right, yet isn't it again one of these things that -- "never mind what we wanted, what did we get?" type of thing -- and it's still defined as qualifying service.

MR. ECHOLS: Well, yes, it's defined as qualifying service, in retrospect, and it's qualifying service only in anticipation of the fact that you're going to let this man go, and at that point -- and at that point only -- is he suddenly faced with the problem which [REDACTED] makes it qualifying--

25X1A9a [REDACTED] But the Bill says this is one of three ways of qualifying--

MR. BOREL: If you go back to the legislative intent, it shouldn't be in there at all. We have been so/ [REDACTED] fussy about legislative intent on this and that -- but here you just said all of this was stricken but this somehow survived--

MR. ECHOLS: I can certainly show you in the testimony, and indeed case histories [REDACTED] that we presented of people who -- even their field of work is not unusual, but as we have developed the individual in this field of work for which

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there simply is no commercial counterpart, and we cited this as cases justifying this retirement system.

MR. BOREL: Well, you started off by saying that Congress threw this out. Perhaps I just jumped ahead one step too fast there -- but why did they strike it out? - to keep us from having this kind of a benefit, or for other reasons?

MR. ECHOLS: Of course, this retirement system does have some discontinued service benefits -- (any age with 25, or 50 with 20), it does provide for an annuity, and so on. But it does not have the separation compensation that was in the Foreign Service Bill, which was in our Bill but was stricken from it. The reason they struck it out of our Bill is they knew we already had the legal authority to pay separation compensation, and indeed had done so, and indeed had a regulation on our books for it -- and they said, "Why seek additional legislation to do what you are already doing?" But this provision remains in here, which, as I interpret it, would permit the retroactive judgment, where the man's service had built into it at the time of separation these handicaps to a degree which would establish qualifying service. Now, whether this will ever be used or not, I don't know.

25X1A9a [REDACTED] Can you visualize circumstances under which a person could qualify? I don't see that the field of a man's specialty is necessary as a
25X1A criterion at all -- and it doesn't make [REDACTED] sense, because it doesn't mean that the [REDACTED] has to go out and get a job [REDACTED] -- there may be all sorts of things that he can do. I don't see how anyone can construct a case that will be very persuasive to us here. What example would you give?

MR. WARFIELD: I have a couple of examples. How about ammunition handlers?

25X1A9a [REDACTED] Why do they have to be ammunition handlers?

MR. WARFIELD: Because they have to handle ammunition.

25X1A9a [REDACTED] I mean once they leave the Agency why do they have to continue to be ammunition handlers?

25X1A9a [REDACTED] They can't say that they have been -- they can't describe their qualifications.

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25X1A9a

[REDACTED] We have had men who have been professional analysts all of their lives, and they go out and sell insurance.

MR. WARFIELD: We agree, though, that it is a hardship at age 55 if you have to suddenly change to a new field -- and that is what we are trying to alleviate.

25X1A9a

[REDACTED] People do that all the time.
Eck, aren't you saying that the Bill as written has a voluntary and an involuntary aspect. Under voluntary retirement qualifying service is overseas service. In the case of involuntary the Director may in his judgment consider certain types of work as qualifying. But that isn't what we are left with, unfortunately -- we are left with who can be a participant--

MR. ECHOLS: I have two problems that bother me. I'm afraid that Tom, Dick, and Harry will read this and say, "Ha! I qualify" -- and it wasn't the intent of Congress and it wasn't our intent that this should be interpreted so broadly that everybody who handles classified information can claim qualifying service.

25X1A9a

[REDACTED] Let me make one qualifying distinction: The intent of Congress ... (inaudible)... but the intent of the Regulation is what was the intent of the Agency and was endorsed by the Congress. It's not in the law, so it would be what is intended by the Agency -- it would be our determination--

25X1A9a

[REDACTED] But aren't you saying this is a determination that could only be made when the man was practically on the doorstep, practically going out, and in terms of conditions then you evaluate his career as far as future employment--

25X1A9a

[REDACTED] There is a big difference -- say a man wants out - okay, that is his election, he should see if he has qualifying service -- there's a big distinction between a man you want out, and you're willing to recommend -- now you say you think we can interpret the Regulation this way.

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[REDACTED] I think that is our prerogative.

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MR. ECHOLS: I think for all practical purposes we should pretend this provision just doesn't exist, in most cases. But it is here, and I think if the day should come when there are rare cases -- we have had [REDACTED] for years and years on the Agency payroll -- these guys could have gotten jobs at the Bureau [REDACTED] and so on -- they're tops in their trade -- and incidentally, this is a diminishing vocational field - that is, different processes have taken over -- if suddenly, after many, many years we decide that we are not going to do this type of thing, we're going to liquidate this type of operation, these men, who are well paid, highly paid in their career field, suddenly are out of a job, and the market for

25X1C

[REDACTED] is not a big one, and certainly not for this [REDACTED] -- 25X1A

are they going to do? And I would say in those cases the Director might say: I know that our cancellation of this work is going to put these guys to a tremendous problem in readjusting themselves vocationally, and in recognition of this I'm going to retire them -- put them into this CIA Retirement system and retire them under it.

25X1A9a

[REDACTED] But, you see, that is the same way with Harry's guy - he can say, "I've been working in the Commo field all my life, and I can't talk about it."

MR. ECHOLS: That is what I'm saying, that every Tom, Dick and Harry can't be applying this to himself, but the Agency, I think, in rare cases may want to do so -- and I say the less we use this, the better.

25X1A9a

[REDACTED] But it's in a Regulation which has been circulated, and people have to get some sort of answers.

MR. BOREL: After you give about ten answers, I think the questioning will calm down. No problem there. If anybody comes to us we will tell them: This doesn't apply to you, buddy."

25X1A9a

[REDACTED] I don't think this is good career relations. I have had people say, "I want a plan for when I retire -- will you count this?" There's a

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certain length of time you can keep up this, "We're not going to tell you exactly" -- and if it is the judgment and we would rather say that no service in the United States will be considered as qualifying service for voluntary retirement -- and I'm taking the extreme position -- but somehow I think we have to come up eventually with a little better guidance.

MR. ECHOLS: We might come up with something like this: that this provision (c) will never apply except in a case of discontinued service. I think this is the only way it was ever intended to apply -- and maybe the regulation needs clarification as to intent, but this is my understanding.

25X1A9a [REDACTED] If I might just rephrase your statement and bring it into Harry's field, this section has its major application in a termination case -- it will never apply except in--

25X1A9a MR. ECHOLS: A case of involuntary separation.
[REDACTED] --that 11(c) applies for the most part to cases of involuntary separation which had not previously been covered under the system by the (Board).

25X1A9a [REDACTED] In that case, I take it, you will never be able to designate -- assuming a man has 10 years before he falls within -- you would never be able to designate a person to be a participant in the system until you were ready to put him out.

25X1A9a MR. ECHOLS: That is right.
[REDACTED] I wonder -- do you feel a re-reading of the record of the hearings wouldn't help at all?

MR. ECHOLS: I could do that -- I could review all the mass of material and try to pull together anything that was said that had direct relevancy to this provision, and the examples we gave, etc., to try to prove the case that this was intended only for use in the event of involuntary separation.

25X1A9a [REDACTED] Shouldn't we try to head off any inquiry by putting something in the Bulletin, then?

MR. ECHOLS: Has anybody had any inquiry along this line?

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[REDACTED] I sure have! And sure, I'll go along with

Paul up to a point -- we are in our infancy here, and, hell, we have other more pressing problems -- "We just haven't addressed ourselves to it yet, but it looks grim for you" - but that is not a real answer.

25X1A9a

[REDACTED] has a case of a man who believes he qualifies under that one.

MR. ECHOLS: I know this is going to cause trouble, because Tom, Dick, and Harry reading this will say, "Oh boy! that is me!"

MR. BOREL: You say cases in the past have been handled by the Director from time to time by granting certain benefits?

MR. ECHOLS: What was that, Paul?

MR. BOREL: You have had cases in the past where the Director has exercised his special authority--

25X1A

MR. ECHOLS: Under our [REDACTED] regulation.

MR. BOREL: This is designed to take the place of such cases?

MR. ECHOLS: We used the same language in justifying -- a Board was set up to review the individual's past record and to decide whether or not that individual was going to be significantly penalized in trying to relocate, for these reasons, and if so he could be given separation compensation -- and a great many people - roughly 100 or so - did receive separation compensation -- on an after the fact review of their careers in the Agency -- lump sum payments -- the formula was one month's salary per year of service.

MR. BOREL: This would be more favorable to the employee -- going out under these circumstances would be more favorable--

MR. ECHOLS: Yes, it would give a man an immediate annuity.

25X1A9a

[REDACTED] The more I think about the history of what we did as far as that Committee, I think that is a very fair reading of what this section means, that this section has its major application in the determination of involuntary separation cases that had not previously been covered under the system.

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MR. WARFIELD: Emmett, if that is the intent shouldn't we crank
[REDACTED] a paragraph into this Bulletin?

MR. ECHOLS: That is why I've been trying to get to this point,
because I knew it was going to be a troublesome one.

25X1A9a [REDACTED] Now what about (b)? It seems to me -- whether
this is the time, or at another meeting -- but we ought to come up with some sort
of at least a black and a white, and then, admittedly, there may remain a gray--

MR. ECHOLS: I think we all understand that (b) pertains to service
in the United States that is very demanding and special types, as described here.

25X1A9a [REDACTED] Well, is it possible that we can keep that on a case
by case adjudication?

MR. ECHOLS: I think we should stipulate this refers to conditions
of service as far as the individual is concerned, the actual demands put upon him.
It doesn't mean that all duty [REDACTED] will be qualifying.

25X1A6a MR. BOREL: Didn't we last week more or less agree that the burden
of proof would shift to the individual in that case? - to show why he belongs in the
system -- rather than the contrary?

25X1A9a [REDACTED] Well, again -- I mean, any one of these people --
I get back to the Fund, too, because, you see, under paragraph (c) we are
contemplating a body of people, and maybe it won't be too large, who will go through
their careers until such time as they are made to retire, without any contributions
to this Fund, and then suddenly they will be brought in and retired. Certainly this
is not a good idea, but I think it's sort of the best we can do with that thing. Now
we have category (b), and in a sense the same type of thing is going to happen, because
people right now who might be designated participants even on the basis of five years
of qualifying service, and 15, are going to be held out until the final adjudication is

25X1A6a made at such time as they retire. Unless we start making cases -- and, as I say,

25X1A6a I have quite a few from [REDACTED] -- if you could rule [REDACTED] out, we could tell everybody --

25X1A6a or are you saying among the group of people working at [REDACTED], some will and some
won't?

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25X1A9a MR. ECHOLS: I think some will and some won't.

25X1A6a [REDACTED] Or some of our Commo boys at a given [REDACTED] C
base [REDACTED]

25X1A6a MR. ECHOLS: Supposing you had a training base -- training for
[REDACTED] or something like that -- let's say way, way off in [REDACTED] somewhere,

25X1A6a for the fun of it, and it's a 4 hour drive to [REDACTED] or a 5-hour drive, or a 6-hour
25X1A6a drive -- maybe by boat -- I don't know how you get there -- and you're off with a
bunch of people 24 hours a day, seven days a week, for weeks on end -- no social
life, no rest or relaxation -- separation from family -- deep cover of an extreme
type -- I could see a man easily qualifying - one month, two months, three months,
five months of such service as qualifying service. And why not? it's more
demanding than most overseas service. But that is an individual -- he may be
a radio man, a communicator, and he has been stationed at this place, and maybe

he has two months, four months of such qualifying service -- but that wouldn't mean
25X1A6a that a communicator in [REDACTED] in connection with this same activity should have
this qualifying service--

25X1A9a [REDACTED]: I couldn't agree more -- but I'm saying that once you
25X1A6a

25X1A6a make the decision for, say, [REDACTED] then everybody who lives at [REDACTED] will
think he's in pretty much the same category -- or once you make a negative decision
25X1A6a for [REDACTED] then they're all out. I mean, the alternative seems to be to wait--

25X1A6a MR. ECHOLS: I think we should invite the DD/P to look, let's say,
at the [REDACTED] situation, and say do they think that collectively this is qualifying --

25X1A6a I hope they say no! -- and then have them look more minutely at [REDACTED] and say
are there any particular duty assignments down there that in retrospect we think
could be determined to be qualifying for anybody who is there -- and, lastly, you
might come down to the individual case of Johnny Jones, who has these weeks or
months of the toughest type of duty, and we think he should be credited for this
service. But I think we should start with the big thing and begin to shrink it down
as rapidly as possible.

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[REDACTED] We came awfully close last week, where Matt Baird cited [REDACTED] Now, sort of unfortunately for the case, the guy had the 60 months without it -- but suppose he didn't, and he was being designated, we would have to face up to it.

25X1A6a

MR. ECHOLS: Well, for [REDACTED] I think the judgment would probably be - collectively, no -- but maybe there are some types of duty [REDACTED] --

MR. WARFIELD: The demolition men you probably want to make a special case for.

MR. ECHOLS: Not if once every six months he blows up a couple of firecrackers--

25X1A9a

[REDACTED] It would be pretty tough to go into the case histories of individuals--

MR. ECHOLS: If you were a [REDACTED] down there 25X1A months--

25X1A9a

[REDACTED] That is hazardous duty! (Laughing)

MR. WARFIELD: I believe the trainees [REDACTED] on the ops course [REDACTED] would get qualifying service for that time--

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[REDACTED] Separated from family -- 18 to 20 hours a day duty -- in bush a good part of the time -- hazardous jumping -- they're doing everything that they're never going to do again - [REDACTED] hopefully.

MR. ECHOLS: I wouldn't object, but somehow -- now here maybe Matt Baird should be the one to come forward to make a case for certain courses [REDACTED] - for students attending certain courses be given credit for this service.

MR. WARFIELD: I think most of this will shake out in the routine procedure -- if you notify somebody, "I'm sorry, you only have four and a half years, and this is based on these tours of duty that you had" -- and he says, "Yes, but how about this other stuff?"

MR. ECHOLS: I agree with you -- I think in most cases we are not going to be concerned about two weeks here, or two weeks there, or two months --

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it would be so simple, and cut and dried.

MR. BOREL: I think we ought to wait -- not try to answer a lot of moot questions here, but just [REDACTED] take the live cases.

MR. ECHOLS: To get back to the original point, I think probably in this Bulletin, if we can, we ought to give some interpretation to this (c) provision here, and along the line Joe suggested, that this is [REDACTED] intended only to cover cases--

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[REDACTED] Well, could we go sort of a step further, then -- because it's again a key thing, because everybody wants to know what is qualifying service -- could we say by and large service outside the United States will be considered qualifying service, and under (b) each case will be adjudicated on its merits, and under (c) this sort of--

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[REDACTED] We have agreed you will go ahead now and issue the Bulletin without further consideration here? I think that is important -- I think the Bulletin ought to get into the hands of people, even though it may be imperfect. The imperfections of the Bulletin I think will begin to come to light as it is used and read by them -- at which time we may then want to reissue it. I know in our own situation there are cases on which action is awaiting the issuance of the Bulletin, and I do think it's important to get it out into the hands of people without undue delay.

MR. ECHOLS: I agree with you, to get the Bulletin out is far more important than clarifying every point.

MR. WARFIELD: I think it should have a caveat that this is an initial--

MR. ECHOLS: I would like to say something in here, if only to indicate this is still a fuzzy area.

Any other business anybody would like to bring up at this time?

(No response.)

Could we do this: instead of notifying you about our meetings could you just assume there will be a meeting at 2:00 o'clock every Thursday unless you are notified to the contrary?

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[REDACTED]

I would find it most beneficial for my office if

we would get positive notice of the meeting.

MR. ECHOLS: All right.

. The meeting adjourned at 4:25 p.m.

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